

**JUDGE KARAS**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**07 CRIM. 575**

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UNITED STATES OF AMERICA

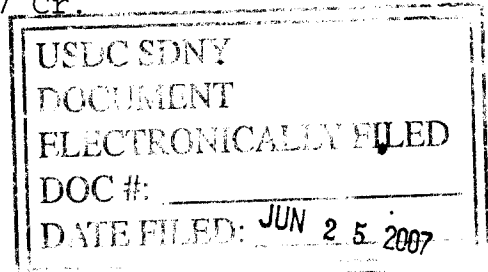
- v. -

CARLOS ALBERTO GUTIERREZ,  
a/k/a "Leo,"

Defendant.  
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**INDICTMENT**

07 Cr.

**COUNT ONE**

The Grand Jury charges:

1. From at least in or about December 2006 up to and including on or about June 12, 2007, in the Southern District of New York and elsewhere, CARLOS ALBERTO GUTIERREZ, a/k/a "Leo," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that CARLOS ALBERTO GUTIERREZ, a/k/a "Leo," the defendant, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1), and 841(b)(1)(A) of Title 21, United States Code.

OVERT ACTS

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. On or about May 10, 2007, CARLOS ALBERTO GUTIERREZ, a/k/a "Leo," the defendant, went to a storage facility in the vicinity of 200 East 135<sup>th</sup> Street, in the Bronx, New York, to inspect and make arrangements to deliver approximately 300 kilograms of cocaine.

b. On or about June 12, 2007, GUTIERREZ met with an undercover law enforcement agent in the vicinity of West 43<sup>rd</sup> Street in New York, New York, for the purpose of discussing the delivery of approximately 300 kilograms of cocaine.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, CARLOS ALBERTO GUTIERREZ, a/k/a "Leo," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

Substitute Asset Provision

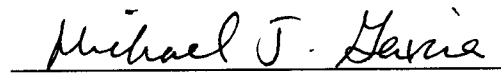
5. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)

  
FOREPERSON

  
MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA**

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**CARLOS ALBERTO GUTIERREZ,  
a/k/a "Leo,"**

**Defendant.**

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**INDICTMENT**

07 Cr. \_\_\_\_

(Title 21 Sections 841(a)(1), 846 and 853)

Michael J. Garcia  
United States Attorney.

**A TRUE BILL**

  
Foreperson.

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*June 25, 2007*  
*Indictment filed.*  
*Came assigned to Judge Karas.*  
*Freeman, USmJ*